

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TRIJIDIA ESTRADA LOMELI,)
)
)
Plaintiff,)
)
)
vs.)
)
)
)
AMERICAN FAMILY INSURANCE)
GROUP, et al.,)
)
)
Defendants.)

8:05CV117

ORDER TO SHOW CAUSE

The parties were originally ordered to provide a Rule 26(f) planning report by August 23, 2005. No report was filed. Consequently, on September 12, 2005, this court entered an Order to Show Cause (#11) directing the parties to file their Rule 26(f) planning report by the close of business on September 19, 2005, or show cause by written affidavit why they could not comply with the court's deadline.

There was no relevant response to the September 12 order. Rather, plaintiff's attorney filed a motion to "opt out" of CM/ECF. That motion was denied.

To date, the court has not received any response from any attorney of record regarding the status of the parties' Rule 26(f) planning report. No party has requested an extension of time to prepare the report. Because it is the duty of the plaintiff to go forward with the case,

IT IS ORDERED:

1. The parties shall meet and confer pursuant to Fed. R. Civ. P. 26(f) and shall electronically file their planning report on or before the close of business on **Friday, October 14, 2005**.

2. As previously directed (*see* Filing #10), plaintiff's attorney, Timothy L. Ashford, is responsible for scheduling the Rule 26(f) conference with opposing counsel.

3. If a planning report is not timely filed, i.e., before the close of business on Friday, October 14, 2005, I shall recommend to the district court that this case be dismissed for failure to prosecute.

DATED October 5, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**